

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,) CR 12-06-BU-DLC
)
)
Plaintiff,)
)
)
vs.) ORDER
)
)
LUCAS W. MULVAUGH,)
)
)
Defendant.)
)

)

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on September 13, 2012. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313

(9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Lucas W. Mulvaugh’s guilty plea after Mulvaugh appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to one count of conspiracy to maintain drug-involved premises in violation of 21 U.S.C. § 846 and 856(a)(1), as set forth in the Superseding Information. Defendant further agrees to the forfeiture of cash proceeds in the amount of \$50,000 as specified in the Plea Agreement, but if that amount is not paid as specified then Defendant agrees to enter a concession to a money judgment in the amount of \$466,000 as specified in the Plea Agreement. In exchange for Defendant’s plea, the United States has agreed to dismiss the Indictment previously filed in this matter.

I find no clear error in Judge Lynch’s Findings and Recommendation (doc. 93), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS HEREBY ORDERED that Lucas W. Mulvaugh’s motion to change plea (doc. 85) is GRANTED.

DATED this 23rd day of October, 2012.



Dana L. Christensen
Dana L. Christensen, District Judge
United States District Court